STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of ANASTASIA INMAN, AMBER INMAN, AARON INMAN, AMANDA INMAN, and AUDREY INMAN, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ALFREDO JAMES INMAN and CHRISTINA INMAN,

Respondents-Appellants.

UNPUBLISHED
February 10, 2004

No. 249939
Missaukee Circuit Court
Family Division
LC No. 01-004929-NA

Before: Murray, P.J., and Murphy and Markey, JJ.

PER CURIAM.

Respondents appeal by delayed leave granted from the trial court's order terminating their parental rights to the minor children under MCL 712A.19b(3)(c)(i),[1] (g) and (j). We affirm.

Respondents have not shown that the trial court clearly erred in finding that the statutory grounds for termination were established by clear and convincing evidence. *In re JK*, 468 Mich 202, 210; 661 NW2d 216 (2003); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Respondents' reliance on *In re Bedwell*, 160 Mich App 168; 408 NW2d 65 (1987), is misplaced, because that case involved the construction of a former statutory subsection, which is not relevant to a consideration of §§ 19b(3)(c)(i), (g), and (j). Here, although respondents assert that §§ 19b(3)(c)(i), (g), and (j) were not proven by clear and convincing evidence, they do not discuss the particular requirements of these statutory subsections, or attempt to argue their application (or lack thereof) the specific facts of this case. A party may not merely announce a position and leave it to this Court to discover and rationalize the basis for the claim. *Eldred v Ziny*, 246 Mich App 142, 150; 631 NW2d 748 (2001).

[1] Only respondent Christina Inman's parental rights were terminated under subsection (c)(i).

Regardless, we are satisfied that the evidence amply supports the trial court's determination that §§ 19b(3)(c)(i), (g) and (j) were established by clear and convincing evidence. At the time of the adjudication for the four older children, respondent mother was unable to provide proper care and supervision for the children. Respondent father had been unavailable for the children because he was incarcerated. Respondent mother gave birth to a fifth child during the pendency of these proceedings. Respondent mother provided care for the children in respondent father's home until the trial court ordered their removal due to continuing domestic violence in the father's home and the hostile environment that it created for the children.

Expert testimony and other evidence supports the trial court's findings regarding the impact of respondents' personality disorders on their ability to parent, the emotional harm caused to the children, and the absence of a reasonable likelihood that either respondent would be able to provide proper care and custody within a reasonable time considering the ages of the children. The evidence also supports the trial court's assessment that there was a reasonable likelihood the children would be harmed if returned to either respondent. Giving due deference to the trial court's superior opportunity to assess the weight and credibility of witnesses who testified in the proceedings, we find no clear err in its determination that the statutory grounds for termination were proven by clear and convincing evidence. *Miller, supra* at 377.

Further, the trial court did not clearly err in its assessment of the children's best interests. *In re Trejo*, 462 Mich 341; 612 NW2d 407 (2000). We reject respondents' claim that the trial court merely restated an expert witness' opinion. Examined in context, the trial court's opinion reflects only that it gave weight to the expert witness' opinion. The trial court's decision to do so was appropriate because, in addition to conducting parent/child assessments, the expert witness provided ongoing counseling services for the three older children. Again, giving due deference to the trial court's superior opportunity to assess the weight and credibility of the witnesses, we find no clear error in its decision to terminate respondents' parental rights. The evidence did not establish that termination of respondents' parental rights was clearly not in the children's best interests. *Id.* at 354. If anything, the trial court went beyond the statutory best interests inquiry by affirmatively finding that termination was in the children's best interests. MCL 712A.19b(5); *Trejo, supra* at 364 n 19.

Affirmed.

/s/ Christopher M. Murray
/s/ William B. Murphy
/s/ Jane E. Markey